

SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM  
NEW DEVELOPMENT AND CONSTRUCTION ACTIVITIES CONTROL MEASURES

**Performance Standard and Supporting Documents for  
Planning Procedures**

**Introduction**

The goal of new development and construction activities control measures is to minimize the water quality impacts of land development, both during and after construction. These control measures apply to both private development projects and municipal capital improvement projects. The Planning Procedures performance standard defines the level of implementation that municipal agencies in the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program) must attain in order to demonstrate that their land use planning, development plan review and approval processes control storm water quality impacts to the maximum extent practicable. This performance standard is used for measuring the effectiveness of each municipal agency's planning procedures activities.

The Planning Procedures Performance Standard was based originally, on the San Francisco Bay Regional Water Quality Control Board's April 1994 *Staff Recommendations for New and Redevelopment Controls for Storm Water Programs (Recommendations)*. The *Recommendations* incorporate the mandates of EPA's storm water regulations as well as the *Coastal Zone Act Reauthorization Amendments*. The performance standard is also consistent with the goals and objectives of the New Development and Construction Activities Component of the Program's *Storm Water Management Plan*. The performance standard has since been updated to meet the requirements in Provision C.3 of the Program's NPDES permit, amended per Regional Board Order No. 01-119, October 17, 2001.

Control of impacts on stormwater quality from construction activities is addressed under a separate Construction Inspection Performance Standard.

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### **PERFORMANCE STANDARD**

- 1) The municipal agency (Co-permittee) shall have adequate legal authority to implement new development control measures, including all applicable requirements of Provision C.3, as part of its development plan review and approval procedures and other appropriate new development and redevelopment permitting procedures.
- 2) The municipal agency shall provide developers with information and guidance materials on site design guidelines, building permit requirements, and BMPs for storm water pollution prevention early in the application process, as appropriate for the type of project.
- 3) The municipal agency shall ensure that environmental documents required for those projects that fall under CEQA or NEPA review address both significant and cumulative storm water quality impacts during the life of the project, and relevant permit requirements. These documents include EIRs, negative declarations and initial study checklists.
- 4) The municipal agency shall require developers of Group 1 and Group 2 projects<sup>1</sup> to design and implement stormwater treatment measures, including site design and source control measures as appropriate, to reduce stormwater pollution to the maximum extent practicable<sup>2</sup>. Treatment measures shall be designed in accordance with the numeric design criteria in Provision C.3.d. Increases in peak runoff flow and volume shall be managed for appropriate projects by implementing the guidance in the Program's Hydromodification Management Plan for the specific stream receiving the discharge.
- 5) The municipal agency shall require developers of projects that disturb a land area of one acre or more to demonstrate coverage under the State General Permit for Storm Water Discharges Associated with Construction Activity.
- 6) The municipal agency shall require developers of projects with potential for significant erosion and planned construction activity during the wet season<sup>1</sup> to prepare and implement an effective erosion and/or sediment control plan or similar document prior to the start of the wet season.
- 7) The municipal agency shall implement an operation and maintenance (O&M) verification program that includes:
  - a) Compiling a list of private and public properties and responsible operators for all stormwater treatment measures;
  - b) Inspecting a subset of prioritized treatment measures for appropriate O&M, on an annual basis, with appropriate follow-up and correction;

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<sup>1</sup> Definitions are provided at the end of this section (page 3).

<sup>2</sup> Unless an alternative method of compliance is approved by the municipal agency in accordance with its alternative compliance program.

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- c) Requiring legally enforceable agreements or other mechanisms assigning responsibility for O&M of treatment measures.
- 8) The municipal agency shall ensure that municipal capital improvement projects include storm water quality control measures during and after construction, as appropriate for each project, and that contractors comply with storm water quality control requirements during construction and maintenance activities.
- 9) The municipal agency shall provide training at least annually to its planning, building, and public works staffs on planning procedures, policies, design guidelines, and BMPs for storm water pollution prevention.

### Definitions

**Group 1 Projects** – Beginning July 15, 2003, municipal agencies must begin to implement permit Provision C.3. requirements for new development or significant redevelopment projects that create, add, or replace one acre (43,560 square feet) or more of impervious surface<sup>3</sup>. These include commercial, industrial, and residential developments, and streets, roads and highways being constructed under the municipal agency's jurisdiction (see Provision C.3.c.i.). Where a significant redevelopment project results in an increase or replacement of more than 50 percent of the impervious surface of the existing development, and the existing development was not subject to stormwater treatment measures, the entire project must be included in the treatment measure design. Otherwise, only the redeveloped portion must be included in the treatment measure design. Excluded from this category are interior remodels and routine maintenance or repair, including roof or exterior surface replacement and repaving.

**Group 2 Projects** – Same as the Group 1 definition, except that beginning October 15, 2004, the size threshold of impervious area will be reduced from one acre to 5,000 square feet (unless an alternative minimum size is proposed by the Program and accepted by the Regional Board).

**Wet season** -- As defined by local ordinance (typically October 15 to April 15).

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<sup>3</sup> Provision C.3. requirements do not apply to projects for which a privately-sponsored development application has been "deemed complete" (as defined by the Co-permittee) prior to July 15, 2003, or with respect to public projects, for which funding has been committed and for which construction is scheduled by October 15, 2003.

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### **Attachment 1 WORK PLAN IMPLEMENTATION**

This section should describe the activities to be conducted by the Co-permittee to achieve the performance standard, along with an implementation schedule. Specific tasks for implementation of Provision C.3. are enumerated in Co-permittee work plans dated March 1, 2002 and September 15, 2002.

[Insert Co-permittee work plan here]

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## Attachment 2 LEGAL AUTHORITY TO IMPLEMENT

This section should contain a demonstration that the co-permittee has the legal authority to implement the performance standard, and/or provides a time schedule for developing and obtaining additional authority.

Provide citations for or excerpts from the following documents that demonstrate adequate legal authority:

- General Plan policies and implementation measures which help preserve and enhance water quality.
- Local ordinances and supporting guidelines that provide the municipal agency with an adequate expression of legal authority to fully implement General Plan policies, conduct discretionary reviews of development projects, and require storm water pollution control measures per Permit Provision C.3. (e.g., zoning ordinances, administrative orders, development review guidelines, conditions of approval or other documents or procedures).
- Erosion and sediment control ordinance.
- Storm water discharge ordinance.
- Authority under CEQA to require mitigation measures for environmental impacts.

Note: Guidance on General Plan and environmental assessment language, ordinances and standards is provided in the following documents:

- Permit Provision C.3.I.
- BASMAA *Start at the Source* and *Start at the Source Tools*.
- SCVURPPP Development Policies Comparison
- SCVURPPP C.3. *Handbook: Guidance for Implementing Stormwater Requirements for New and Redevelopment Projects*

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## Attachment 3 BMPS AND CONTROL MEASURES

This section should contain the best management practices and control measures that co-permittees will employ or use as a standard for compliance in the implementation of the performance standard, as well as any design criteria, procedures, or methods that would assist in the use of the BMPs or control measures.

### Example BMPs and Control Measures

- Design guidelines and practices which incorporate storm water quality control measures.
- Contract specifications for municipal capital improvement projects which address storm water quality controls.
- Minimum standards or conditions of approval for construction and post-construction BMPs.
- Mechanisms for requiring operation and maintenance of structural controls, and example language.
- Mechanisms to discourage pesticide use at new development sites, such as proper design of landscaping, as appropriate for the site.
- Source control measures, such as the model conditions of approval provided in Attachment 4.

### References:

- *Start at the Source: Residential Site Planning and Design Guidance Manual for Storm Water Quality* (BASMAA, 1999)
- SCVURPPP, C.3. *Handbook: Guidance for Implementing Stormwater Requirements for New and Redevelopment Projects* (under development)
- SCVURPPP, *Model Conditions of Approval for Pesticide Reduction in Landscaping Plans*, 9-30-02
- California BMP Handbooks, revised 2003

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## **Attachment 4**

### **SOURCE CONTROL MEASURES**

#### **INTRODUCTION**

This section contains a model list of source control measures to control sources of pollutants associated with the post-construction phase of new development and redevelopment projects. These measures may be required at various stages of the development plan review process, e.g., as application submittal requirements or checklists, conditions of approval, plan check comments, etc., depending on the particular process used by each Co-permittee. These measures should be imposed as requirements rather than as recommended best management practices, to meet the intent of Permit Provision C.3.k.

The list relates the source control measures to significant sources of potential pollutants that may be present on the developed site, rather than to a general type of development project. Each identified source of pollutants may have one or more appropriate control measures. The model list is intended to be a menu of measures from which Co-permittees may select appropriate measures to apply to specific projects. (Co-permittees do not have to use the exact wording of a source control measure as long as the intent of the measure is preserved.)

#### **STRUCTURAL CONTROL MEASURES**

##### **A. Illegal Dumping to Storm Drain Inlets and Waterways**

- 1) On-site storm drain inlets shall be clearly marked with the words “No Dumping! Flows to Bay,” or equivalent, using methods approved by the [Co-permittee].
- 2) It is unlawful to discharge any wastewater into storm drains, gutters, creeks, or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to, discharges from toilets; sinks; industrial processes; cooling systems; boilers; fabric cleaning; equipment cleaning; or vehicle cleaning.
- 3) It is unlawful to cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge into storm drains, gutters, creeks or San Francisco Bay.

##### **B. Interior Floor Drains**

- 1) Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains.

##### **C. Parking Lots**

- 1) Interior level parking garage floor drains shall be connected to [a water treatment device approved by the (Co-permittee) prior to discharging to] the sanitary sewer system. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

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### **D. Pesticide/Fertilizer Application**

- 1) Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- 2) Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. For example, dumpster areas should be located away from occupied buildings, and building foundation vents shall be covered with screens.
- 3) Additional requirements are covered in the "Model Conditions of Approval for Pest Resistant Landscaping" (August 19, 2002).

### **E. Pool, Spa, and Fountain Discharges**

- 1) Pool (including swimming pools, hot tubs, spas and fountains) discharge drains shall not be connected directly to the storm drain or sanitary sewer system. [Exception: Public pool discharge drains must be connected to the sanitary sewer system, per County Department of Environmental Health requirements.]
- 2) When draining is necessary, a hose or other temporary system shall be directed into a sanitary sewer clean out. The clean out shall be installed in a readily accessible area [example: within 10 feet of the pool]. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

### **F. Food Service Equipment Cleaning**

- 1) Food service facilities (including restaurants and grocery stores) shall have a sink or other area for cleaning floor mats, containers, and equipment, that is connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a covered area outdoors; both areas must be plumbed to the sanitary sewer.

### **G. Refuse Areas**

- 1) New buildings [such as food service facilities and/or multi-family residential complexes or subdivisions] shall provide a covered or enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area.
- 2) Areas around trash enclosures, recycling areas, and/or food compactor enclosures shall not discharge to the storm drain system. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected [to a grease removal device prior to discharging] to the sanitary sewer. The applicant shall

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contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

### **H. Outdoor Process Activities/Equipment<sup>4</sup>**

- 1) Process activities shall be performed either indoors or outdoors under cover. If performed outdoors, the area shall be designed to prevent run-on to and runoff from the site.
- 2) Process equipment areas shall drain to the sanitary sewer system. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

### **I. Outdoor Equipment/Materials Storage**

- 1) All outdoor equipment and materials storage areas shall be covered [and bermed], or shall be designed to limit the potential for runoff to contact pollutants [or a storm drain inlet valves shall be provided on exterior drains in the area].
- 2) Storage areas containing non-hazardous liquids shall be covered by a roof and/or drain to the sanitary sewer system, and be contained by berms, dikes, liners or vaults. . The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.
- 3) All hazardous materials and wastes, as defined [or regulated] by [cite ordinance or regulation], on the site must be used and stored in compliance with the [Co-permittee's] Hazardous Materials Ordinance and Hazardous Materials Management Plan for the site approved by the [Co-permittee department].

### **J. Vehicle/Equipment Cleaning**

- 1) Wastewater from vehicle and equipment washing operations shall not be discharged to the storm drain system. [Optional, e.g. for car dealerships: If water only (without soap or other cleaning agent) is used for rinsing of vehicle exterior surfaces for appearance purposes, the runoff may be discharged to the storm drain system.]
- 2) Commercial/industrial facilities having vehicle/equipment cleaning needs [and new residential complexes of 25 units or greater] shall either provide a covered, bermed area for washing activities or discourage vehicle/equipment washing by removing hose bibs and installing signs prohibiting such uses. Vehicle/equipment washing areas shall be paved, designed to prevent run-on to or runoff from the area, and plumbed to drain to the sanitary sewer. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

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<sup>4</sup> Examples of businesses that may have outdoor process activities and equipment include machine shops and auto repair shops, and industries that have pretreatment facilities.

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- 3) Commercial car wash facilities shall be designed and operated such that no runoff from the facility is discharged to the storm drain system. Wastewater from the facility shall discharge to the sanitary sewer [or a wastewater reclamation system shall be installed]. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

### **K. Vehicle/Equipment Repair and Maintenance**

- 1) Vehicle/equipment repair and maintenance shall be performed in a designated area indoors, or if such services must be performed outdoors, in an area designed to prevent the run-on and runoff of stormwater.
- 2) Secondary containment shall be provided for exterior work areas where motor oil, brake fluid, gasoline, diesel fuel, radiator fluid, acid-containing batteries or other hazardous materials or hazardous wastes are used or stored. Drains shall not be installed within the secondary containment areas.
- 3) Vehicle service facilities shall not contain floor drains unless the floor drains are connected to wastewater pretreatment systems prior to discharge to the sanitary sewer, for which an industrial waste discharge permit has been obtained. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.
- 4) Tanks, containers or sinks used for parts cleaning or rinsing shall not be connected to the storm drain system. Tanks, containers or sinks used for such purposes may only be connected to the sanitary sewer system if allowed by an industrial waste discharge permit. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

### **L. Fuel Dispensing Areas**

- 1) Fueling areas<sup>5</sup> shall have impermeable floors (i.e., portland cement concrete or equivalent smooth impervious surface) that are: a) graded at the minimum slope necessary to prevent ponding; and b) separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.
- 2) Fueling areas shall be covered by a canopy that extends a minimum of ten feet in each direction from each pump. [Alternative: The fueling area must be covered and the cover's minimum dimensions must be equal to or greater than the area within the grade break or fuel dispensing area, as defined below<sup>1</sup>.] The canopy [or cover] shall not drain onto the fueling area.

### **M. Loading Docks**

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<sup>5</sup> The fueling area shall be defined as the area extending a minimum of 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus a minimum of one foot, whichever is greater.

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- 1) Loading docks shall be covered and/or graded to minimize run-on to and runoff from the loading area. Roof downspouts shall be positioned to direct stormwater away from the loading area. Water from loading dock areas shall be drained to the sanitary sewer, or diverted and collected for ultimate discharge to the sanitary sewer. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.
- 2) Loading dock areas draining directly to the sanitary sewer shall be equipped with a spill control valve or equivalent device, which shall be kept closed during periods of operation.
- 3) Door skirts between the trailers and the building shall be installed to prevent exposure of loading activities to rain.

### **N. Fire Sprinkler Test Water**

- 1) Sanitary sewer connections shall be provided to drain fire sprinkler test water.

### **O. Miscellaneous Drain or Wash Water**

- 1) Boiler drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system.
- 2) [Air compressor or air conditioner] condensate drain lines may not discharge to the storm drain system.
- 3) Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
- 4) Roof top equipment shall drain to the sanitary sewer. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

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## **OPERATIONAL BMPS**

### **A. Paved Sidewalks and Parking Lots**

- 2) Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Washwater containing any cleaning agent or degreaser shall be collected and discharged to the sanitary sewer and shall not be discharged to a storm drain. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

### **B. Private Streets**

- 1) Owner of private streets and storm drains shall prepare and implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

### **C. Vehicle/Equipment Repair and Maintenance**

- 5) No person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials, or rinsewater from parts cleaning operations into storm drains.
- 6) No vehicle fluid removal shall be performed outside a building, nor on asphalt or ground surfaces, whether inside or outside a building, except in such a manner as to ensure that any spilled fluid will be in an area of secondary containment. Leaking vehicle fluids shall be contained or drained from the vehicle immediately.
- 7) No person shall leave unattended drip parts or other open containers containing vehicle fluid, unless such containers are in use or in an area of secondary containment.

### **D. Fueling Areas**

- 1) The property owner shall dry sweep the fueling area routinely.

## **REFERENCES**

- BASMAA "Start at the Source Tools Handbook" (June 2000);
- Alameda Countywide Clean Water Program (ACCWP) Model Conditions of Approval (1999);
- City of Palo Alto Municipal Code Chapter 16.09, and revisions to Chapter 16.09 approved July 22, 2002;
- City of San Jose standard conditions;
- City of Cupertino, Guidance for Selecting BMPs for Development Projects;
- Example source control measures provided by Regional Board staff in Provision C.3.k. of the SCVURPPP NPDES Permit (October 2001).

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## Attachment 5 STANDARD OPERATING PROCEDURES

This section should contain the Co-permittee's standard operating procedures (SOPs) for implementation of the performance standard.

### Examples of Types of SOPs Needed

- A general description of the municipal agency's plan review process, including how Group 1 and Group 2 projects<sup>6</sup> are identified as well as how storm water quality control measures are incorporated into the planning and design stages of development..
- Description of which staff positions are responsible for reviewing the project's storm water impacts, the effectiveness with which the control measures mitigate these impacts, and when in the process these reviews are performed.
- Description of process for allowing independent qualified expert review and certification of stormwater treatment measure designs, if applicable.
- Mechanism to include storm water quality controls in plans and contract specifications for municipal capital improvement projects.
- Guidance on who to give pre-application materials to and when.
- Use of a revised CEQA initial study checklist and/or other plan review checklist that specifically addresses storm water quality impacts.
- Mechanism for recording the treatment control, site design and source control measures used, and the sizing criteria used
- Identification of department/persons responsible for implementing the treatment measure O&M verification program.

See SCVURPPP C.3. *Handbook*, "Summary of Major Changes to the Development Project Review Process" for those additional steps in the development review process necessary in implementing Provision C.3 requirements.

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<sup>6</sup> Definitions of Group 1 and Group 2 projects are provided on page 3 of the Performance Standard.

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### **Attachment 6 REPORTING REQUIREMENTS**

Co-permittee's will demonstrate implementation of this Performance Standard and the additional requirements of Provision C.3. by providing in their annual reports the information described below<sup>7</sup>.

- The name or other identifier, type of project, site acreage or square footage, and square footage of new impervious surface on all new development and significant redevelopment projects which meet the Group 1 and Group 2 definitions of C.3.c.<sup>8</sup> For significant redevelopment projects, the square footage of land disturbance will be reported.
- The treatment BMPs used and numeric sizing criteria employed, the operation and maintenance responsibility mechanism including the responsible party, site design measures used, and source control measures required for projects that must implement treatment measures.
- A summary of the types of pesticide reduction measures required for those new development and significant redevelopment projects to be addressed under C.3.c and the percentage of such new development and significant redevelopment projects for which pesticide reduction measures were required.

Model reporting forms are provided on the next two pages.

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<sup>7</sup> From Permit Provision C.3.n.

<sup>8</sup> Definitions of Group 1 and Group 2 projects are provided on page 3 of the Performance Standard.

**[Co-permittee Name]**  
**Reporting Form for Planning Procedures Performance Standard**  
**and Provision C.3.n. Reporting Requirements**

**Part 1**

**Significant Development Projects<sup>9</sup>**  
**Reviewed and/or Approved During \_\_\_\_\_**

Project Name	Project Type <sup>10</sup>	Site Size (ac. or s.f.)	New Impervious Surface (s.f.) <sup>11</sup>	Area of Land Disturbed (Ac.) <sup>12</sup>	Project Status	Storm Water Control Measures Included in Project
<b>Private Projects</b>						
<b>Public Projects</b>						

<sup>9</sup> List all projects with new impervious surface area greater than 5,000 s.f. (Group 1 and 2 projects – see definition on page 3 of the performance standard).

<sup>10</sup> Describe project type, as defined in Provision C.3.c.

<sup>11</sup> “New” is defined as impervious surface created, added or replaced.

<sup>12</sup> If the site is a “significant redevelopment”, list the area of land disturbance.

**[Co-permittee Name]**  
**Reporting Form for Planning Procedures Performance Standard  
and Provision C.3.n. Reporting Requirements**

**Part 2**

**Stormwater Control Measures for Group 1 and Group 2 Projects<sup>13</sup>  
Reviewed and/or Approved During \_\_\_\_\_**

Project Name	Treatment BMPs	Numeric Sizing Criteria Used	O&M Responsibility Mechanism and Responsible Party	Site Design Measures	Source Control Measures	Pesticide Reduction Measures
<b>Private Projects</b>						
<b>Public Projects</b>						

<sup>13</sup> Beginning July 15, 2003 and before October 15, 2004, list all projects with new impervious surface area greater than 43,560 s.f. (1 acre). Beginning October 15, 2004, list all projects with new impervious surface area greater than 5,000 s.f. See SCVURPP "C.3. Handbook: Guidance for Implementation of Stormwater Requirements for New and Redevelopment Projects".